

IN THE SUPREME COURT OF THE STATE OF DELAWARE

STEVEN KOKOTAYLO,	§
	§ No. 562, 2011
Defendant Below-	§
Appellant,	§
v.	§ Court Below—Superior Court
	§ of the State of Delaware, in and
	§ for New Castle County
STATE OF DELAWARE,	§ Cr. ID No. 0712029663
	§
Plaintiff Below-	§
Appellee.	§

Submitted: November 21, 2011

Decided: November 29, 2011

Before **BERGER, JACOBS** and **RIDGELY**, Justices.

ORDER

This 29th day of November 2011, it appears to the Court that:

(1) On November 3, 2011, the Court received the appellant's notice of appeal from the Superior Court's order, dated and docketed June 30, 2011, which denied his motion for postconviction relief. Pursuant to Supreme Court Rule 6, a timely notice of appeal from the June 30, 2011 order should have been filed on or before August 1, 2011.

(2) On November 4, 2011, the Clerk issued a notice pursuant to Rule 29(b) directing the appellant to show cause why the appeal should not be dismissed as untimely filed. The appellant filed a response to the notice to show cause on November 21, 2011. In the response, the appellant states that

he gave his notice of appeal to correctional officers for mailing on or about July 5, 2011. The appellant provides no supporting documentation for his statement.¹

(3) Pursuant to Rule 6(a)(iii), a notice of appeal in any proceeding for postconviction relief must be filed within 30 days after entry upon the docket of the judgment or order being appealed. Time is a jurisdictional requirement.² A notice of appeal must be received by the Office of the Clerk within the applicable time period in order to be effective.³ An appellant's *pro se* status does not excuse a failure to comply strictly with the jurisdictional requirements of Rule 6.⁴ Unless the appellant can demonstrate that the failure to file a timely notice of appeal is attributable to court-related personnel, his appeal may not be considered.⁵

(4) There is nothing in the record before us reflecting that the appellant's failure to file a timely notice of appeal is attributable to court-related personnel. Consequently, this case does not fall within the exception to the general rule that mandates the timely filing of a notice of appeal. Thus, the Court concludes that this appeal must be dismissed.

¹ In a letter directed to the Clerk filed on October 20, 2011, the appellant requests a status report on his appeal, which he states was submitted on August 13, 2011.

² *Carr v. State*, 554 A.2d 778, 779 (Del. 1989).

³ Supr. Ct. R. 10(a).

⁴ *Carr v. State*, 554 A.2d at 779.

⁵ *Bey v. State*, 402 A.2d 362, 363 (Del. 1979).

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rule 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Jack B. Jacobs
Justice